

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
LAW OFFICE OF LEE M. PERLMAN 1926 Greentree Road, Suite 100 Cherry Hill, NJ 08003 (856) 751-4224	
In RE:  Howard Stalker	Case No.: 18-12877  Judge: ABA  Chapter 13

### CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor(s) in this case opposes the following (choose one):

1. ☐ Motion for Relief from the Automatic Stay filed by \_\_\_\_\_  
\_\_\_\_\_, creditor,  
A hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_.

☒ Motion to Dismiss filed by the Chapter 13 Trustee.  
A hearing has been scheduled for 1/21/2022, at 9:00 am.

\_\_\_\_\_ Certification of Default filed by \_\_\_\_\_.  
I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons (choose one)
- \_\_\_\_\_ Payments have been made in the amount of \$\_\_\_\_\_, but have not been accounted for. Documentation in support is attached.
- \_\_\_\_\_ Payments have not been made for the following reasons and debtor proposes repayment as follows (explain your answer):

X   Other (explain your answer):

- a. Debtor initiated the instant Chapter 13 case by the filing of a petition and plan on 2/14/2018.
- b. Debtor's Chapter 13 plan was confirmed by order dated 6/14/2018.
- c. As a result of the negative financial impact of the COVID pandemic, debtor fell behind on his post-petition mortgage payments, and his payments to the trustee.
- d. On 7/19/2021, debtor filed a modified Chapter 13 plan which provided for a cure of the post-petition mortgage delinquency (as agreed to by the mortgage lender in resolution of a motion for relief from automatic stay), provided for a cure of the delinquent trustee payments, and extended the plan term to 84 months.
- e. The modified plan was scheduled for a confirmation hearing to be held on 8/25/21.
- f. On 8/20/2021, before the confirmation hearing on the modified plan, the case was dismissed for failure to make plan payments.
- g. Debtor filed a motion to vacate the dismissal of the case, which motion was granted by order 9/21/2021.
- h. After the case was reinstated, the modified plan, which had been filed prior to the dismissal but not yet confirmed, was not rescheduled for a confirmation hearing.
- i. On 11/9/2021, the trustee filed the instant motion to dismiss based solely on the alleged "fail[ure] to file a modified plan pursuant to the Order dated September 21, 2021." There was no such requirement in the 9/21/2021 order.
- j. The 9/21/2021, order did not require that a modified plan be filed and, in fact, the modified plan had already been filed prior to dismissal of the case, and all that was needed was for the confirmation hearing on the modified plan to be rescheduled.

NOTES:

- 1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustees Motion to Dismiss.
- 2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: 1/14/2022

/s/ Lee M. Perlman  
LEE M. PERLMAN, ESQ.

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2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.